

To:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court United States District Court for the Western District of Washington on the following:   X   *Patents* or      *Trademarks*:

<b>DOCKET NO.</b>	<b>DATE FILED</b>	<b>US District Court</b> United States District Court for the Western District of Washington
2:08-cv-00368-RAJ	3/4/08	
<b>PLAINTIFF</b>		<b>DEFENDANT</b>
Cequent Inc		TECMobile Software LLC
<b>PATENT OR TRADEMARK NO.</b>	<b>PATENT OR TRADEMARK NO.</b>	<b>PATENT OR TRADEMARK NO.</b>
1. See attached page for patent numbers <u>7,200,212</u>	6.	11.
2. <u>6,353,664</u>	7.	12.
3.	8.	13.
4.	9.	14.
5.	10.	15.

In the above-entitled case, the following patents(s)/ trademark(s) have been included:

<b>DATE INCLUDED</b>	<b>INCLUDED BY</b>	
	<u>    </u> Amendment <u>    </u> Answer <u>    </u> Cross Bill <u>    </u> Other Pleading	
<b>PATENT OR TRADEMARK NO.</b>	<b>PATENT OR TRADEMARK NO.</b>	<b>PATENT OR TRADEMARK NO.</b>
1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.
5.	10.	15.

In the above-entitled case, the following decision has been rendered or judgment issued:

<b>DECISION/JUDGMENT</b>
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<b>CLERK</b>	<b>(BY) DEPUTY CLERK</b>	<b>DATE</b>
Bruce Rifkin	PM	3/5/08

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CEQUINT, INC.,

Plaintiff,

v.

TECMOBILE SOFTWARE, LLC,

Defendant.

Civil Action No.

**C 08-0368** RAJ

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY TRIAL REQUESTED

Plaintiff Cequent, Inc. ("Cequent") hereby alleges the following causes of action against  
Defendant TECMobile Software, LLC ("TECMobile"):

**I. PARTIES**

1. Cequent is a corporation organized and existing under the laws of the state of  
Washington, having its principal place of business at 1525 Fourth Avenue, Suite 700, Seattle,  
Washington.

2. TECMobile is Utah limited liability company having a principal place of business  
at 1877 South River Run Drive, Huntsville, Utah 84317. TECMobile's registered agent is Randy  
Harris at the same address.



08-CV-00368-CMP

COMPLAINT - 1

CQNT-6-1003P01CMP

BLACK LOWE & GRAHAM <sup>PLC</sup>

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**II. JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, particularly including 35 U.S.C. § 271 and § 281. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. TECMobile markets and sells the accused infringing product under the brand *AreaCode2* via such interactive Internet websites as [www.clickapps.com](http://www.clickapps.com), [www.handango.com](http://www.handango.com), [www.windowsmarketplace.com](http://www.windowsmarketplace.com) and [www.symbian.com](http://www.symbian.com). TECMobile has offered for sale its *AreaCode2* product to residents throughout the United States and, in particular, to residents of this judicial district with the intent that the product be used by the consuming public, including in the Western District of Washington. On information and belief, the *AreaCode2* product has been sold and provided to customers in the Western District of Washington. TECMobile knew and intended that its infringing *AreaCode2* product would be provided to consumers in Western Washington. On information and belief, TECMobile carried out general business in the Western District of Washington, and by virtue of this systematic contact has established a business presence in this district. Accordingly, both jurisdiction and venue are proper in this court. 28 U.S.C. §§ 1391 and 1400.

**III. CEQUINT'S PATENT RIGHTS**

5. Cequent is in the business of developing, patenting, and licensing software products for telephonic communications through carriers and handset manufacturers as well as directly to consumers. Cequent has invested in the development and marketing of products for mobile handsets, including the Blackberry and Windows Mobile platforms, such as its City ID™ product, which provides for the installation, use and updating of software that provides geographic information on incoming calls.

6. Cequent is the assignee of U.S. Patent No. 7,200,212, issued April 3, 2007 to Mark Gosselin and U.S. Patent No. 6,353,664, issued March 5, 2002 to Joseph M. Cannon, James A. Johanson and Richard Lawrence McDowell (collectively "Patents-in-Suit"), both

1 related to its telephonic communications products. Cequent owns the full right, title and interest  
2 in the Patents-in-Suit, including the right to assert the claims and causes of action involved in  
3 this complaint.

4 **IV. PATENT INFRINGEMENT**

5 7. The TECMobile product used, offered for sale and sold in the United States  
6 infringes one or more claims of Cequent's Patents-in-Suit.

7 8. TECMobile's use, offer for sale, and sale of its infringing products has not been  
8 under license or authority from Cequent.

9 9. TECMobile's activities constitute direct infringement, contributory infringement  
10 and/or inducement to infringe one or more claims of the Patents-in-Suit pursuant to  
11 35 U.S.C. § 271.

12 10. As a direct result of TECMobile's infringement of Cequent's Patents-in-Suit,  
13 Cequent has suffered, and will continue to suffer, damages in an amount to be established at trial.  
14 In addition, Cequent has suffered, and continues to suffer, irreparable harm for which there is no  
15 adequate remedy at law.

16 11. On information and belief, TECMobile had actual knowledge of Cequent's  
17 Patents-in-Suit and Cequent's patent rights before engaging in its infringing activity and before  
18 the filing of this complaint. Cequent has and continues to provide notice of its patent rights  
19 through marking of commercial embodiments of the Patents-in-Suit. Despite actual and/or  
20 constructive knowledge of Cequent's Patents-in-Suit, TECMobile has continued to use, offer for  
21 sale and sell its infringing product in the United States, including in Washington State.  
22 TECMobile's infringement is therefore deliberate and willful and will continue unless enjoined  
23 by this Court.

V. PRAYER FOR RELIEF

Cequint requests the following alternative and cumulative relief:

1. Preliminary and permanent injunctions against the use, offer for sale and sale of any product made, used or sold by TECMobile that infringes Cequint's Patents-in-Suit;
2. An award of damages adequate to compensate for the infringement, but not less than a reasonable royalty for the use of the invention;
3. An award of treble damages pursuant to 35 U.S.C. § 284;
4. An award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
5. An assessment of prejudgment interest and costs; and
6. Such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of March, 2008.

s/ David A. Lowe, WSBA No. 24,453

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